



**REGULATIONS OF CONNECTICUT STATE AGENCIES
FOR THE
BOARD OF PARDONS AND PAROLES**



REGULATIONS IN REGARD TO THE PROCEDURES AND GUIDELINES FOR 85% PAROLE ELIGIBILITY

Note: Not reflected in this regulation are the statutory changes in Public Act 08-01 (PA 08-01). PA 08-01 makes someone convicted of burglary in the second degree or the new crime of home invasion ineligible for parole until he or she has served at least 85% of the sentence imposed.

REGULATIONS OF CONNECTICUT STATE AGENCIES

THIS DOCUMENT IS CURRENT THROUGH THE 05/15/07 ISSUE OF THE CONN. LAW JOURNAL

TITLE 54 CRIMINAL PROCEDURE
BOARD OF PAROLE
PURSUANT TO PUBLIC ACT 95-255

Regs., Conn. State Agencies § 54-125a-1 (2007)

Sec. 54-125a-1. Definitions.

For the purposes of sections 54-125a-1 through 54-125a-6, the following definitions shall apply:

(1) "Board" means the Board of Parole as established under section 54-124a of the general statutes, and shall include the full board membership or a panel of two or more board members appointed under subsection (e) of section 54-124a.

(2) "Definite sentence" means a sentence of imprisonment under section 53a-35a of the general statutes.

(3) "Inmate" means any person who is in the custody of the Commissioner of Correction or the Board of Parole.

(4) "Offense" shall have the same meaning as provided in section 53a-24 of the general statutes.

(5) " Parole " means a change of custody from the Commissioner of Correction to the Board of Parole.

(6) " Parole eligibility date" means the earliest date on which an inmate may be allowed to go at large on parole in accordance with section 54-125a of the general statutes, as amended by public act 95-255.

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Regs., Conn. State Agencies § 54-125a-2 (2007)

Sec. 54-125a-2. Application

Sections 54-125a-1, 54-125a-2, 54-125a-3, 54-125a-4, 54-125a-5 and 54-125a-6 shall apply to inmates who, on or after July 1, 1996, are convicted of an offense for which parole is authorized.

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Regs., Conn. State Agencies § 54-125a-3 (2007)

Sec. 54-125a-3. Procedure

(a) The Board shall make a determination whether the inmate is ineligible for parole until he or she has served not less than 85% of his or her definite sentence or sentences, pursuant to section 54-125a of the general statutes, as amended by public act 95-255. If such determination is in the affirmative, the board shall notify the inmate of his or her earliest parole eligibility date based upon serving not less than 85% of his or her definite sentence or sentences. The Board shall also notify the Department of Correction of all such determinations.

(b) The Board of Parole shall make a determination of an inmate's earliest parole eligibility date. The Board, in making such determination, shall obtain, on a weekly basis, a list of all inmates sentenced within the previous week. A criminal history of the inmate, will be obtained which may include, but shall not be limited to, a State Police criminal records check, out of state criminal records check, police reports, previous parole and probation reports, and any other information that the Board deems relevant. Criminal justice data systems will be queried for information regarding the length of sentence for each specific charge. The Chairman of the Board of Parole shall convene a panel of two or more parole board members to review the information compiled. The panel will determine whether the inmate must serve 50% or 85% of his or her sentence before becoming eligible for Parole. The inmate and the Department of Correction will then be notified of the Board's determination.

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Regs., Conn. State Agencies § 54-125a-4 (2007)

Sec. 54-125a-4. Criteria

(a) The board shall determine whether the statutory definition of the offense or any offenses for which an inmate is serving a sentence of imprisonment contains one or more elements which involve the use, attempted use or the threatened use of physical force against another person. Such inmates shall be ineligible for parole until they shall have served not less than 85% of their definite sentences pursuant to section 54-125a of the general statutes, as amended by public act 95-255.

(b) In all other cases, the board shall determine whether the underlying act or acts constituting the offense or any offense for which the inmate is serving a sentence of imprisonment, or any other relevant information, demonstrate that the inmate is a violent offender. Not less than thirty days prior to making such determination, the board shall notify the division of criminal justice, and shall consider all information and comment provided by that agency. If the board determines that an inmate meets such criteria, the inmate shall be ineligible for parole until he or she has served not less than 85% of his or her definite sentence or sentences pursuant to section 54-125a of the general statutes, as amended by public act 95-255.

(c) In classifying inmates under subsections (a) and (b) of this section, the board may consider any information which it deems to be relevant.

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Regs., Conn. State Agencies § 54-125a-5 (2007)

Sec. 54-125a-5. Guidelines

(a) The Board shall determine whether the statutory definition of the offense or any offenses for which an inmate was convicted of or is serving a sentence of imprisonment contains one or more elements which involve the use, attempted use or threatened use of physical force against another person. No such inmate shall become parole eligible until he or she has served not less than 85% of his or her definite sentence pursuant to the general statutes listed. The following Connecticut General Statutes are applicable to an inmate's 85% determination: 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57, 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-72b, 53a-92, 53a-92a, 53a-94, 53a-94a, 53a-95, 53a-101, 53a-102a, 53a-103a, 53a-111, 53a-112, 53a-134, 53a-135, 53a-136, 53a-167c, 53a-179b, 53a-179c, 53a-181c.

(b) In all other cases, the Board shall consider the underlying act or acts constituting the offense or any offense for which the inmate is serving a sentence of imprisonment or any other relevant information that demonstrates a tendency toward the use, attempted use or threatened use of physical force against another person. Information may include, but not be limited to, presentence reports, State Police criminal records check, sentencing dockets, Criminal Justice Information System information, police reports, out of state criminal records, parole and probation reports, victim(s) statement, witness statements, inmates prior incarceration history. After reviewing this information, the panel will determine whether the inmate has a past history and/or a series or a pattern of convictions for an offense or offenses described in subsection (a) of these guidelines.

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Regs., Conn. State Agencies § 54-125a-6 (2007)

Sec. 54-125a-6. Effect

Decisions of the Board under sections 54-125a-1 to 54-125a-6, inclusive, of the Regulations of Connecticut State Agencies shall be limited solely to the determination of inmates' earliest parole eligibility dates pursuant to section 54-125a of the general statutes, as amended by public act 95-255, and shall not be relevant in proceedings to determine whether an inmate should be granted parole on that or subsequent dates, nor to any other parole matter.

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